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T.R.A. DOCKET ROOM

October 31, 2003

Guy M. Hicks
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Hon. Kim Beals, Hearing Officer
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Enforcement of Interconnection Agreement between BellSouth Telecommunications, Inc. and ITC ^DeltaCom Communications, Inc.*

Enforcement of Interconnection Agreement between BellSouth Telecommunications, Inc. and XO Tennessee, Inc.

Docket No. 02-01203

Dear Ms. Beals:

This is to let you know that the parties, BellSouth, XO and DeltaCom, continue to seek an agreement to resolve the issues presented in this proceeding. We will notify you immediately if the cases settle.

In the meantime, however, the parties make the following procedural proposal for resolving the matter. The parties will file cross-motions for summary judgment and request that you rule on such motions, and thereby resolve the issue of whether BellSouth may proceed with the audits and the terms and conditions under which the audits will be conducted. The motions will be filed with supporting memoranda and would be in lieu of any evidentiary hearing.

The parties regret that they have not submitted a procedural proposal prior to this date and appreciate your patience in that regard.

Mr. Henry Walker, local counsel for XO and Deltacom, has authorized me to submit this letter on his clients' behalf.

Very truly yours,


Guy M. Hicks

GMH:ch

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2003, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
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- ☐ Hand
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